

## LR 42 - Consolidation; Separate Trials

**(See Fed. R. Civ. P. 42)**

### LR 42-1 Reference to The Manual for Complex Litigation

Unless otherwise directed by the Court, consolidation and case management of complex or related cases are governed by the principles set forth in *The Manual for Complex Litigation* (4th ed. 2004).

#### Practice Tip

1. This manual is published by The Federal Judicial Center and may be purchased from the U.S. Government Printing Office: 1995 - 395 - 123 / 30538, and also available from other sources, including Mathew Bender, West, and the Internet ([www.fjc.gov](http://www.fjc.gov)).

### LR 42-2 Responsibilities of Counsel

It is the responsibility of counsel to identify complex or related cases and to bring the matter promptly to the attention of the Court.

### LR 42-3 Related Cases

For good cause shown and consistent with [Fed. R. Civ. P. 42](#), any party may file and serve a motion to consolidate, or oppose consolidation, or for a separate trial of related cases. When a party seeks or opposes consolidation, the motion or opposition must be filed in each case to be consolidated. Each motion or opposition must include:

- (a) The case number, case title, and assigned judge of every related case pending in the District of Oregon.
- (b) The case number, case title, assigned judge, and court location of every other related case pending in any other state or federal court.
- (c) The common question of law or fact at issue in each case.
- (d) The status in each case of all pending motions, Court imposed deadlines, case management schedules, trial dates, etc.
- (e) The reason that the cases should be reassigned and managed by a single judicial officer.
- (f) The position of the other parties, if known.
- (g) The scope of consolidation requested, *e.g.*, for hearing on a motion; for pretrial and discovery; or for all further proceedings, including trial.

### LR 42-4 Document Caption Requirements After Consolidation

#### (a) Designation of Lead Case

Unless otherwise directed by the Court, the earliest filed consolidated case will be designated as the lead case for administrative control and case management purposes.

#### (b) Identifying Lead Case Information on Consolidated Case Papers

Unless otherwise directed by the Court, parties will ~~continue to file~~ all pleadings, motions, and other case ~~papers- documents in their individual cases the lead case only. ; however, t~~he case number and designation of the lead case ~~and the words RELATED CASE~~ must be listed first included in the document title of every document filed in consolidated cases.

| Practice Tip   |  |
|--|--|
| For example, if a party <del>files a motion in case</del> 04-CV-1111-RE, <u>which has been and that case is related and</u> consolidated with 04-CV-999-RE, <u>wishes to file a motion to compel</u> , then the document title for the motion <del>in 04-CV-1111-RE</del> would read <u>beneath the heading as follows</u> : |  |
| <del>Related Case to</del> 04-CV-999-RE (Lead Case)  |  |
| 04-CV-1111-RE (Trailing Case)  |  |
| PLAINTIFF JOHN SMITH'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS  |  |

| Amendment History to LR 42             |  |
|--|--|
| June 1, 2002                           |  |
| LR 42.5(c)                             | ". . . . submission of pleadings and documents" added.   |
| June 1, 2006                           |  |
| LR 42.1                                | "This manual is published . . ." stricken and moved to new Practice Tip. Practice Tip added.   |
| LR 42.4(g)                             | The word "etc." stricken.  |
| LR 42.5(b)                             | Practice Tip examples modified   |
| December 1, 2009                       |  |
| LR 42                                  | Changed caption.   |
| LR 42-1                                | Changed publication references.  |
| LR 42.3                                | Former LR 42.3 Deleted   |
| LR 42-3                                | Former LR 42.4. Caption amended. Added "and consistent with Fed. R. Civ. P. 42," and deleted "of two or more cases."   |
| LR 42-4                                | Former LR 42.5 with subsection (c) deleted.  |
| <u>Suggested Changes October, 2010</u> |  |
| <u>LR 42-4(b)</u>                      | <u>Rule modification to reflect the current practice of filing documents in the lead case only following consolidation of cases. CM/ECF functionality allows the text of the events to be spread to the trailing cases thereby maintaining all of the individual case dockets.</u> |